

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

SUMMIT 6 LLC,

Plaintiff,

v.

HTC CORPORATION, HTC AMERICA,
INC., LG ELECTRONICS INC., LG
ELECTRONICS USA, INC., LG
ELECTRONICS MOBILECOMM USA,
INC., MOTOROLA MOBILITY LLC, and
TWITTER, INC.,

Defendants.

Case Action No. 7:14-cv-00014-O

JURY TRIAL DEMANDED

SUMMIT 6 LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case Action No. 7:14-cv-00106-O

JURY TRIAL DEMANDED

**DEFENDANTS MOTOROLA MOBILITY LLC, HTC CORPORATION, AND HTC
AMERICA, INC.'S UNOPPOSED MOTION TO JOIN DEFENDANTS APPLE INC. AND
TWITTER, INC.'S OPPOSED MOTION TO STAY PENDING *INTER PARTES* REVIEW
OF THE PATENTS-IN-SUIT**

Defendants Motorola Mobility LLC (“Motorola”) and HTC Corporation and HTC America, Inc. (collectively “HTC”) respectively move this Court to join Defendants Apple Inc. and Twitter, Inc.’s Opposed Motion to Stay Pending Inter Partes Review of the Patents-in-Suit. Dkt. No. 241. Motorola and HTC have met and conferred with Summit 6 and Summit 6 does not oppose this motion to join.

Apple and Twitter moved to stay this litigation in light of eight Petitions for *Inter Partes* Review (“IPR”) they filed that challenge the validity of all claims asserted against them. Dkt. No. 241 at 1. In their motion, Apple and Twitter indicated that all other claims at issue in this case would be challenged in IPR petitions to be filed by the remaining defendants and that the remaining defendants would either move to join the motion to stay or file a similar motion. *Id.* Those petitions have been filed and, accordingly, Motorola and HTC seek to join Apple and Twitter’s Motion to Stay.

All defendants are similarly situated with respect to the factual inquiries at issue in the Motion to Stay. For this reason, and to avoid the filing of largely duplicative pleadings on a delayed schedule, Motorola and HTC seek to join the prior motion to present the underlying issue – stay of the entire litigation – to the Court for resolution in a timely and efficient manner.

The following details relate to the procedural status of this case with respect to Motorola and HTC and the IPR petitions filed.

A. Procedural Status

On June 26, 2014, Summit 6 served preliminary infringement contentions asserting the following claims against Motorola and HTC:

- U.S. Patent No. 7,765,482 (the “’482 Patent”), claims 1, 4, 6, 8-10, 12-14, 16-19, 21-23, 25, 35, 38, 40-42, 44-46, 49-50;
- U.S. Patent No. 8,612,515 (the “’515 Patent”), claims 1-3, 6, 7, 10, 11, 14-20, 23-30, 33-39, 44, 48.

Dkt. No. 93; APPX0002 (Declaration of Jonathan E. Harris (“Harris Decl.”) at ¶ 2); APPX0226 (Declaration of Philip Ou (“Ou Decl.”) at ¶ 2).

On December 1, 2014, pursuant to the parties’ Joint Stipulation Regarding Reducing the Number of Asserted Claims and Prior Art Reference, Summit 6 elected to assert the following claims against Motorola and HTC:

'482 Patent: 12, 13, 16, 18, 19, 21-23, 25, 38, 40-42, 46, 49;

'515 Patent: 1, 2, 6, 10, 11, 18-20, 23, 26, 28-30, 38, 39.

Dkt. 148; APPX0002 (Harris Decl. at ¶ 3); APPX0226 (Ou Decl. at ¶ 3).

On March 6, 2015, the parties filed a Joint Stipulation for Extension of Expert Report Deadlines and Deadlines for the Reduction of Asserted Claims and Prior Art References. Dkt. No. 253. Under this Stipulation:

- Summit 6 will serve each defendant with a Second Election of Asserted Claims by April 8, 2015;
- Each defendant will serve Summit 6 with a Second Election of Asserted Prior Art by April 22, 2015;
- Expert reports on issues for which a party bears the burden of proof must be served by May 6, 2015; and
- Rebuttal expert reports must be served by June 5, 2015. *Id.* at ¶¶ 1-5.

One 30(b)(1) deposition of a Motorola employee has occurred to date. APPX0003 (Harris Decl. at ¶ 7). Last week, and after the Motion to Stay and HTC and Motorola's IPR petitions were filed, two HTC employees were deposed. APPX0227 (Ou Decl. at ¶ 8). No depositions have been taken of Summit 6 or any third parties in this matter. APPX0003 (Harris Decl. at ¶¶ 9-10).

B. The IPR Petitions

Motorola and HTC are real parties in interest in two IPR petitions challenging the validity of the following claims on multiple grounds:

'482 Patent: 12, 13, 16, 18, 19, 21-25, 35, 36-38, 40-42, 44-46, 49;

'515 Patent: 1, 2, 6, 10, 11, 18-20, 23, 26, 28-30, 38, 39.

APPX0002 (Harris Decl. at ¶¶ 4-5). These petitions challenge the validity of all claims currently asserted against Motorola and HTC.

Motorola and HTC respectfully ask the Court to join them with Apple and Twitter's Motion to Stay. If joined in the motion, Motorola and HTC will join any reply filed in support of that motion.

Dated: March 9, 2015

Respectfully submitted,

s/ Philip Ou

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CERTIFICATE OF CONFERENCE

I hereby certify that between March 2nd and March 9th, counsel for HTC and Motorola conferred with Mr. Philip Aurentz, counsel for Summit 6, regarding this motion. On March 9th, Mr. Aurentz informed me that Summit 6 does not oppose this motion.

s/ Philip Ou
Philip Ou

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 9th day of March 2015, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system pursuant to Local Rule 5.1(d).

s/ Philip Ou